

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JOSEPH EUGENE HOOVER)	
)	
Petitioner,)	
)	
v.)	1:10CV168
)	
BUTCH JACKSON)	
)	
Respondent.)	

ORDER

This matter is before this court for review of the Order, Memorandum Opinion and Recommendation ("Recommendation") filed on October 7, 2011, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). In the Recommendation, the Magistrate Judge recommends that Respondent's Motion for Summary Judgment (Doc. 8) be granted, that the Habeas Petition (Doc. 2) be denied, and that the action be dismissed (Doc. 17). The Recommendation was served on the parties to this action on October 7, 2011. The Petitioner filed timely objections (Doc. 19) to the Recommendation.

This court is required to "make a de novo determination of those portions of the Magistrate Judge's report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made

by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions." Id.

This court has appropriately reviewed the portions of the Recommendation to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation (Doc. 17) is **ADOPTED**. **IT IS FURTHER ORDERED** that Respondent's Motion for Summary Judgment (Doc. 8) is **GRANTED**, that the Habeas Petition (Doc. 2) is **DENIED**, that this action is **DISMISSED**, and that, finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is denied. A judgment dismissing this action will be entered contemporaneously with this Order.

This the 26th day of March 2012.


United States District Judge